

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TROY X. KELLEY,

Defendant.

CASE NO. CR15-5198 RBL

ORDER DENYING MOTION FOR
BAIL PENDING APPEAL

THIS MATTER is before the Court on Defendant Troy Kelley's Motion for Bail Pending Appeal [Dkt. #662]. In December 2017, a jury convicted Kelley of a single count of possession and concealment of stolen property (Count 1), two counts of making false declarations (Counts 2 and 5), and five counts of filing false income tax returns (Counts 12–15, Count 17) related to his operation of Post Closing Department, a reconveyance tracking company. Dkt. 556. In June 2018, the Court sentenced Kelley to a term of imprisonment of a year and a day. Dkt. 656. Kelley requests that the Court order his release pending his appeal of the judgment entered in this case.

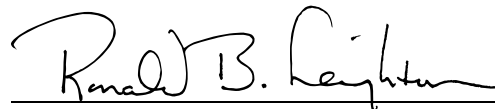
Pursuant to 18 U.S.C. § 3143(b)(1), a convicted and sentenced defendant shall be detained pending appeal unless he can establish: (1) by clear and convincing evidence that he is

1 not likely to flee or pose a danger or threat to the safety of the community; (2) that the appeal is
2 not for the purpose of delay; (3) that the appeal raises a substantial question of law or fact likely
3 to result in (i) reversal, (ii) an order for a new trial, (iii) a sentence that does not include a term of
4 imprisonment, or (iv) a reduced sentence to a term of imprisonment less than the total of the time
5 already served plus the expected duration of the appeal process.

6 Kelley's current motion attacks his conviction on Count 1 (possession and concealment
7 of stolen property). His argument is a familiar one: that he was convicted of possessing stolen
8 money that was willingly given to him in exchange for conveyance services provided by Post
9 Closing Department. The Court (and now the jury) has considered and rejected some variation of
10 this argument on numerous occasions. *See* Dkt. 306; Dkt. 321 (Rule 29 Motion for Acquittal
11 Following Discharge of Jury); Dkt. 394; Dkt 488 (Motion to Dismiss Counts 1 & 6–10); Dkt.
12 581; Dkt. 618 (Motion for Acquittal on Count 1). Kelley's appeal does not raise a substantial
13 question of law or fact that is likely to result in a reversal, order for a new trial, or a substantially
14 reduced sentence. Accordingly, the Court proceeds in the normal course and Kelley's Motion for
15 Bail Pending Appeal [Dkt. #662] is **DENIED**.

16 IT IS SO ORDERED.

17 Dated this 6th day of August, 2018.

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20 Ronald B. Leighton
21 United States District Judge
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